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**MAILED
JUN 21 2011
OFFICE OF PETITIONS**

In re Application of :
Kevin M. Ferguson :
Application No. 10/780,816 : **DECISION ON PETITION**
Filed: February 18, 2004 :
Attorney Docket No. 7636 US 1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 4, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Drawing Inconsistency with Specification, mailed May 1, 2007, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extension of time period may be granted under either 37 CFR 1.136(a) or 9b). Accordingly, the application became abandoned on June 2, 2007. The Notice of Abandonment was mailed July 3, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment to the specification, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for appropriate action on the reply the received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions